

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIEL HAWKINS and DD RESTAURANT	:	
GROUP, INC.,	:	
	:	Case No.: 23-CV-04040-KAM-JMW
Plaintiffs,	:	
-against-	:	ORDER MODIFYING PRIOR
	:	ORDER OF ATTACHMENT
CHIP H. ZOEGALL, CENTRICFM	:	
SOLUTIONS, INC., PACIFICA CMFM	:	
GROUP, LLC, and RIHAM M. FARID	:	
a/k/a REI FARID,	:	
	:	
Defendants.	:	
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WHEREAS, Plaintiffs Daniel Hawkins and DD Restaurant Group, Inc.’s (“Plaintiffs”) having brought a motion (“Motion”) for an order of attachment pursuant to N.Y. CPLR § 6201(3), made applicable to this action by **Federal Rule of Civil Procedure 64(a)** and (b), against defendants Chip H. Zoegall (“Zoegall”), Centricfm Solutions, Inc. (“Centricfm”), Pacifica Cmfm Group, LLC (“Pacifica”), and Riham M. Farid a/k/a Rei Farid (“Farid”); and

WHEREAS, on June 20, 2023, each of Centricfm and Pacifica filed chapter 11 bankruptcy petitions with the U.S. Bankruptcy Court for the Eastern District of New York thereby staying this action as to them pursuant to the automatic stay in bankruptcy; and

WHEREAS, on June 20, 2023, the Court having issued a detailed Memorandum and Order regarding its factual findings and conclusions of law as related to the Motion [ECF No. 32], and

WHEREAS, on June 23, 2023, the Court having granted the Motion to the extent of its Order [ECF No. 36] as against Zoegall and Farid (hereafter, the “Attachment Order”), and

WHEREAS, the Attachment Order contains a provision (in the first full decretal paragraph at page 10) regarding issuance by the U.S. Marshal no later than June 30, 2023, pursuant to New York CPLR § 6216, of a notice of attachment (the “Notice of Attachment”) in the form annexed to the Attachment Order as Exhibit B and filing it with the Suffolk County Clerk; and

WHEREAS, on June 27, 2023, Plaintiffs, through their counsel, having applied by letter [ECF No 38] to the Court for modification of the Attachment Order as it pertains to the attachment against real property and seeking appointment pursuant to F.R.Civ.P. 4.1(a) a person specially appointed for the purpose of serving process in lieu of a United States Marshal or deputy marshal; and

WHEREAS, on June 28, 2023 at 11:00 a.m., the Court having issued an Order noted on the docket requiring Plaintiffs to submit a letter identifying a private process server; and

WHEREAS, Plaintiffs having complied with the Court’s order and having filed a letter identifying United Process Service, Inc., a division of Intercounty Judicial Services LLC as process server for appointment in this matter and requesting authorization to issue a Statement of Authorization for Electronic Filing for filing on the New York State Electronic Filing System (NYSCEF) by said process server;

WHEREAS, F.R.Civ.P. 4.1(a) provides for appointment by the Court of a person specially appointed for the purpose of serving process in lieu of a United States Marshal or deputy marshal;

NOW, THEREFORE, it is hereby ordered as follows:

1. The Attachment Order is hereby amended as set forth in decretal paragraphs 2 and 3 herein, which modify the Attachment Order (in the first full decretal paragraph at page 10). All other provisions of the Attachment Order remain the same and in full force and effect.

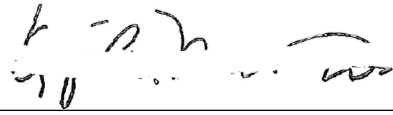
2. **ORDERED**, that upon Plaintiffs' application pursuant to **Fed. R. Civ. P. 4.1**, the Court hereby appoints **United Process Service, Inc.**, a division of Intercounty Judicial Services LLC, 225 Broadway, Suite 440, New York, NY 10007, which is a licensed process server company, to act in place and stead of the United States Marshal for the purpose of issuance of the Notice of Attachment and causing it to be filed with the Suffolk County Clerk, along with a copy of this Order and the Attachment Order; and it is further

3. **ORDERED**, that pursuant to N.Y. CPLR § 6216, United Process Service, Inc, shall as soon as reasonably practicable after entry of this Order levy upon the real property of Zoegall and Farid situated at 22 Bay Drive West, Huntington, NY 11743, and having the legal description annexed to the Attachment Order as Exhibit A, the sum of \$1,287,602.60, plus interest in the amount of \$31,469.71 through June 20, 2023 plus additional interest at the rate of \$166.51 per diem thereafter, plus costs, by causing to be filed with the Suffolk County Clerk by electronic filing on the New York State Court Filing ("NYSCEF") system a notice of attachment endorsed in accordance with N.Y. CPLR § 6216 in the form annexed as **Exhibit A** hereto, and filed on NYSCEF under the efilng category of "notice of pendency" in order to ensure payment of the correct fee and that said filing is indexed in the correct fashion in the

records of the Suffolk County Clerk as they pertain to real property, and United Process Service, Inc. and the employees and agents thereof, are authorized to take such actions as may be necessary or appropriate to effectuate such levy pursuant to N.Y. CPLR § 6216 described herein, and execute any documents and instrument, and file any papers on NYSCEF. as may be required in connection with such matter without further order of this Court.

SO ORDERED

Dated: Brooklyn, New York
June __, 2023

A handwritten signature in black ink, appearing to read "Kiyoko A. Matsumoto", written over a horizontal line.

The Honorable Kiyoko A. Matsumoto
United States District Court Judge

SO ORDERED
June 29, 2023

United Process Service, Inc.,
a division of Intercounty Judicial Services LLC,
225 Broadway, Suite 440, New York, NY 10007
Tel 212-619-0728. Fax: 212-619-2288

NOTICE OF ATTACHMENT

[filed under NYSCEF e filing category “notice of pendency”]

Pursuant to the Order of attachment entered on June 23, 2023 [ECF No. 36] in case number 23-CV-04040-KAM-JMW in the U.S. District Court for the Eastern District of New York (Brooklyn Division), as amended by the Order Modifying Prior Order, entered on _____, 2023 [ECF No. ____], United Process Service, Inc., pursuant to its appointment in the Order Modifying Prior Order, to act in place and stead of the U.S. Marshal, hereby provides a notice of attachment endorsed in accordance with N.Y. C.P.L.R. § 6216 as follows:

(a) the name and address of the plaintiff’s attorney - Stephen Z. Starr, Esq., Starr & Starr, PLLC, 260 Madison Ave., Fl. 17, New York, NY 10016 [tel. 212-867-8165, fax 212-867-8139, email sstarr@starrandstarr.com]:

(b) stating the names of the parties to the action Plaintiffs - Daniel Hawkins and DD Restaurant Group, Inc. vs. Defendants - Chip H. Zoegall, Centricfm Solutions, Inc., Pacifica Cmfm Group, LLC, and Riham M. Farid a/k/a Rei Farid (attachment granted as against Chip J. Zoegall and Riham M. Farid a/k/a Rei Farid):

(c) the amount specified in the order of attachment - the sum of \$1,287,602.60, together with accrued interest at the federal statutory rate of 4.72% calculated from December 13, 2022, and costs and all U.S. Marshal’s fees incurred;

d) a description of the property to be levied upon - 22 Bay Drive West, Huntington, NY 11743 having the following legal description:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Huntington Bay and Town of Huntington, County of Suffolk and State of New York, known and designated as Lots 157, 158, 159 and 160 as shown on a certain map entitled Huntington Bay Hills, Section 1, filed in the Office of the Clerk of the County of Suffolk on May 29, 1925, as File No, 211, being further bounded and described as follows:

BEGINNING at a point on the easterly side of Bay Drive West, distant 506.86 feet from the extreme northerly end of the arc of a curve which connects the northerly side of Sound View Drive and the easterly side of Bay Drive West;

RUNNING THENCE northerly along the easterly side of Bay Drive West along the arc of a curve bearing to the right with a radius of 400.00 feet a distance of 95.39 feet;

THENCE North 79 degrees 15 minutes 00 seconds East a distance of 131.53 feet;

THENCE South 10 degrees 45 minutes 00 seconds East a distance of 100.00 feet;

THENCE South 79 degrees 15 minutes 00 seconds West a distance of 108.17 feet to the easterly side of Bay Drive West the point or place of BEGINNING.

Title Reference:

Chip Zoegall, as tenants in common by deed from Stephanie Jo Roese and Jill Christine Roese, as Co-Trustees of the John Henry Roese Trust and John Henry Roese a/k/a John H. Roese dated 05/14/2015 and recorded with Suffolk County Recording Office on 05/29/2015 in Book 12818, Page 616.

Dated: New York, New York
_____. 2023

By: _____
Name:
Title: